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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,910	09/12/2005	Il Han	0011.1006	6638

49455 7590 06/07/2006

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EXAMINER

YIP, WINNIE S

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/536,910

Applicant(s)

HAN, IL

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first office action in regard to applicant's preliminary amendment filed May 27, 2006.

Drawings

1. Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this claim, the relative term "nearly" (line 5) is vague and indefinite. And, the terms "the mid point" (line 3), "the lowest part" (line 5), "the closer" (line 6), and "the upper part" (line 6) lack a proper antecedent basis which will causes the claim vague and indefinite.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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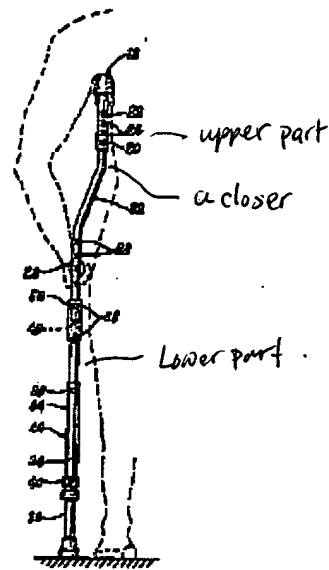
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Renouard (GB 106,497).

Renouard shows and teaches a crutch comprising a curved support rod (a) having an upper part and a lower part, a cross-pad (a') mounted on an upper end of the support rod, a hand piece (a3) positioned at a mid point of the support rod, and a cap (a2) mounted on a lower end of the support rod for preventing skipping of the crutch, wherein a lower part (which the cap is mounted thereon) of the curved support rod is substantially straightly extended, and the most upper part of the support rod is more curved with a smaller radius.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Acosta, Sr. (US Patent No. 4,763,680).

Acosta, Sr. shows and teaches a crutch comprising a curved support rod (32) having an upper part (20) and a lower part (36), a cross-pad (18) mounted on an upper end of the curved support rod, a hand piece (26) positioned at a mid point of the curved support rod, and a cap (no number, See Figs. 1-2) mounted on a lower end (36) of the curved support rod for preventing skidding of the crutch, wherein the lower part (16) of the curved support rod is substantially straightly extended, and a closer to the upper part (20) of the curved support rod is more curved with a smaller radius (see illustration bellow).



7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamasaki et al. (US Patent No. 5,725,005).

Yamasaki et al. show and teach a crutch (see Fig. 22A) comprising: a curved support rod (1), a cross-pad (2) mounted on an upper end of the curved support rod, a hand piece (4) substantially positioned at a mid point of the curved support rod, and a cap (3) mounted on a lower end of the curved support rod for preventing skidding of the crutch, wherein a lower part of the curved support rod is substantially straightly extended, and a closer to an upper part of the support rod is more curved with a smaller radius.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Nuys et al. (US Patent No. 3,537,463).

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Nuys et al. show and teach a crutch comprising: a curved support rod (26), a cross-pad (34) mounted on an upper end of the curved support rod, a hand piece (11) positioned at a mid point of the curved support rod, and a cap (20) mounted on a lower end of the curved support rod for preventing skidding of the crutch, wherein a lower part (18) of the curved support rod is substantially straightly extended, and a closer (at point 36) at the upper end of the curved support rod is more curved with a smaller radius.

Citations

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Japanese Patent No. 2000-126253, SU Patent No. 1,710,049, Neptune '255, Miley et al. '902 teach various crutches having curved support rods as similar to the claimed invention.

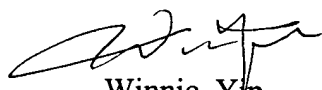
Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Winnie Yip
Primary Examiner
Art Unit 3636

wsy
May 31, 2006